

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT NEW YORK

Louis Diaz, Gregory Korniloff and Jack Toal,
on behalf of themselves and as representatives
of the Class,

Plaintiffs,

v.

NBC Universal, Inc.,

Defendant.

Civil Action No. 08-CV-00401 (CM)

Electronically Filed

**NOTICE OF MOTION OF NBC UNIVERSAL, INC.
FOR THE ADMISSION OF KELLI SAGER AND
ANDREW J. THOMAS PRO HAC VICE**

PLEASE TAKE NOTICE that on a date and time to be set by this Court,
defendant NBC Universal, Inc. ("Universal") will apply to the Honorable Colleen McMahon,
U.S. District Court Judge, at the United States District Court for the Southern District of New
York, for an order granting leave for Kelli Sager and Andrew J. Thomas to appear as its counsel
in the above-captioned action.

PLEASE TAKE FURTHER NOTICE that, in support of its motion, Universal
relies on the affirmation of Deborah A. Adler and affidavits of Kelli Sager and Andrew J.
Thomas, which are submitted herewith, but that no brief is submitted because this motion is
addressed to the discretion of the Court pursuant to Local Rule 1.3(c).

PLEASE TAKE FURTHER NOTICE that a proposed form of order granting the
requested relief is submitted herewith.

Dated: New York, New York
February 6, 2008

DAVIS WRIGHT TREMAINE LLP

By: /s/ Deborah A. Adler
Deborah A. Adler (DA 0909)

1633 Broadway
New York, New York 10019
Telephone: (212) 489-8230
Fax: (212) 489-8340

Attorneys for Defendant NBC Universal, Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT NEW YORK

	x
Louis Diaz, Gregory Korniloff and	:
Jack Toal, on behalf of themselves	:
and as representatives of the Class,	:
	: Civil Action No. 08-CV-00401 (CM)
	: <i>Electronically Filed</i>
Plaintiffs,	:
	:
vs.	:
	:
NBC Universal, Inc.,	:
	:
Defendant.	:
	x

**AFFIRMATION OF DEBORAH A. ADLER IN SUPPORT
OF NBC UNIVERSAL, INC.'S MOTION FOR ADMISSION OF
KELLI SAGER AND ANDREW J. THOMAS PRO HAC VICE**

DEBORAH A. ADLER , an attorney duly admitted to practice before this Court, affirms under penalty of perjury:

1. I am an associate in the firm of Davis Wright Tremaine, LLP, which has been engaged to appear as counsel of record for defendant NBC Universal, Inc. ("Universal"). I have been a member in good standing of the Bar of the State of New York since October 2006, and was admitted to practice before this Court on December 5, 2006.
2. My firm has been retained by Universal to act as its counsel. Both Kelli L. Sager and Andrew J. Thomas of Davis Wright Tremaine's Los Angeles office have advised and represented Universal for several years on numerous matters and are highly familiar with the facts and circumstances of this particular case.
3. Ms. Sager is of sufficiently good character and competence to warrant admission to appear in this Court. As set forth in her accompanying affidavit, Ms. Sager has been a

member in good standing of the Bar of the State of California since 1985. There are no pending disciplinary proceedings against her in any State or Federal court.

4. In view of the qualifications, special expertise and other matters stated in Ms. Sager's affidavit, I believe that her admission to this Court *pro hac vice* would promote the just, speedy, efficient and fair determination of this action.

5. Mr. Thomas is of is of sufficiently good character and competence to warrant admission to appear in this Court. As set forth in his accompanying affidavit, Mr. Thomas has been a member in good standing of the Bar of the State of California since 1992. There are no pending disciplinary proceedings against him in any State or Federal court.

6. In view of the qualifications, special expertise and other matters stated in Mr. Thomas' affidavit, I believe that his admission to this Court *pro hac vice* would promote the just, speedy, efficient and fair determination of this action.

7. I believe no brief is necessary because this application is addressed to the discretion of the Court pursuant to Local Rule 1.3(c) and raises no issues of law.

I affirm under penalty of perjury that the foregoing is true and correct. Executed this 16th day of February, 2008.


Deborah A. Adler (DA 0909)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT NEW YORK

Louis Diaz, Gregory Korniloff and
Jack Toal, on behalf of themselves
and as representatives of the Class,

Plaintiffs,

vs.

NBC Universal, Inc.,

Defendant.

:

: Civil Action No. 08-CV-00401 (CM)

:

: *Electronically Filed*

:

: **AFFIDAVIT OF ANDREW J. THOMAS IN
SUPPORT OF NBC UNIVERSAL, INC.'S
MOTION TO ADMIT COUNSEL
PRO HAC VICE**

:

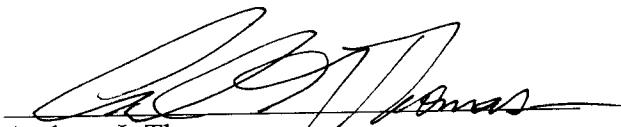
x

STATE OF CALIFORNIA)
: ss.:
COUNTY OF LOS ANGELES)

Andrew J. Thomas, being duly sworn, deposes and says:

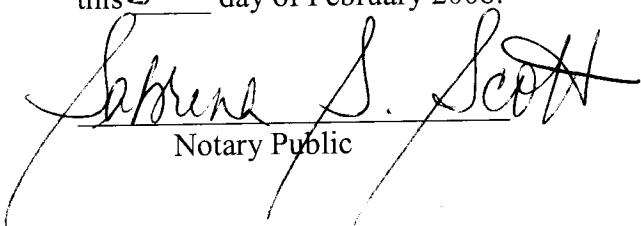
1. I am a partner with the law firm of Davis Wright Tremaine LLP.
 2. I submit this affidavit in support of my motion for admission to practice *pro hac vice* in the above captioned matter.
 3. As shown in the Certificate of Good Standing annexed hereto, I am a member in good standing of the Bar of the State of California.
 4. There are no pending disciplinary proceedings against me in any State or Federal court.

5. Wherefore your affiant respectfully submits that he be permitted to appear as Defendant's counsel and advocate *pro hac vice* in this one case.

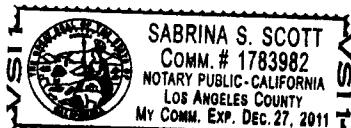


Andrew J. Thomas
Davis Wright Tremaine LLP
865 S. Figueroa St., Suite 2400
Los Angeles, California 90017-2566
ajthomas@dwt.com
(213) 633-6800

Sworn to before me on
this 5th day of February 2008:



Sabrina S. Scott
Notary Public





**THE STATE BAR
OF CALIFORNIA**

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: 888-800-3400

January 31, 2008

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, ANDREW JACKSON THOMAS , #159533 was admitted to the practice of law in this state by the Supreme Court of California on June 25, 1992; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

A handwritten signature of Kath Lambert.
Kath Lambert
Custodian of Membership Records

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT NEW YORK

x

Louis Diaz, Gregory Korniloff and Jack Toal,
on behalf of themselves and as representatives
of the Class,

Civil Action No. 08-CV-00401 (CM)

Plaintiffs,

ORDER
PRO HAC VICE

v.

NBC Universal, Inc.,

Defendant.

x

The motion for admission to practice *pro hac vice* in the above captioned matter is granted. The admitted attorney, Andrew J. Thomas, is permitted to argue or try this particular case in whole or in part as Defendant's counsel or advocate.

An attorney admitted to practice *pro hac vice* is required to pay a \$25.00 attorney admission fee and present this Order to the intake deputy clerk in the Clerk's Office. When paying by mail, return a copy of this Order to the Clerk's Office with the required fee.

This Order confirms your appearance as Defendant's counsel in this case, and it will be entered on this Court's docket. A notation of your admission *pro hac vice* for the above listed case will be made on the roll of attorneys.

The attorney admitted *pro hac vice* must serve a copy of this Order on all other counsel in this case.

Dated: New York, New York
 _____, 2008

SO ORDERED:

United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT NEW YORK

Louis Diaz, Gregory Korniloff and	:	
Jack Toal, on behalf of themselves	:	Civil Action No. 08-CV-00401 (CM)
and as representatives of the Class,	:	
	:	<i>Electronically Filed</i>
Plaintiffs,	:	
vs.	:	
NBC Universal, Inc.,	:	AFFIDAVIT OF KELLI L. SAGER IN
	:	SUPPORT OF NBC UNIVERSAL, INC.'S
	:	MOTION TO ADMIT COUNSEL
	:	<u>PRO HAC VICE</u>
Defendant.	:	

STATE OF CALIFORNIA)
: ss.:
COUNTY OF LOS ANGELES)

Kelli L. Sager, being duly sworn, deposes and says:

1. I am a partner with the law firm of Davis Wright Tremaine LLP.
2. I submit this affidavit in support of my motion for admission to practice *pro hac vice* in the above captioned matter.
3. As shown in the Certificate of Good Standing annexed hereto, I am a member in good standing of the Bar of the State of California.
4. There are no pending disciplinary proceedings against me in any State or Federal court.
5. Wherefore your affiant respectfully submits that she be permitted to appear as Defendant's counsel and advocate *pro hac vice* in this one case.

Kelli L. Sager

Kelli L. Sager
Davis Wright Tremaine LLP
865 S. Figueroa St., Suite 2400
Los Angeles, California 90017-2566
kellisager@dwt.com
(213) 633-6800

Sworn to before me on
this 5th day of February 2008:

Sabrina S. Scott
Notary Public





**THE STATE BAR
OF CALIFORNIA**

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: 888-800-3400

January 31, 2008

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, KELLI LEE SAGER, #120162 was admitted to the practice of law in this state by the Supreme Court of California on December 10, 1985; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Kath Lambert".

Kath Lambert
Custodian of Membership Records

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT NEW YORK

Louis Diaz, Gregory Korniloff and Jack Toal,
on behalf of themselves and as representatives
of the Class,

Plaintiffs,

v.

NBC Universal, Inc.,

Defendant.

Civil Action No. 08-CV-00401 (CM)

**ADMISSION TO PRACTICE
PRO HAC VICE**

The motion for admission to practice *pro hac vice* in the above captioned matter is granted. The admitted attorney, Kelli Sager, is permitted to argue or try this particular case in whole or in part as Defendant's counsel or advocate.

An attorney admitted to practice *pro hac vice* is required to pay a \$25.00 attorney admission fee and present this Order to the intake deputy clerk in the Clerk's Office. When paying by mail, return a copy of this Order to the Clerk's Office with the required fee.

This Order confirms your appearance as Defendant's counsel in this case, and it will be entered on this Court's docket. A notation of your admission *pro hac vice* for the above listed case will be made on the roll of attorneys.

The attorney admitted *pro hac vice* must serve a copy of this Order on all other counsel in this case.

Dated: New York, New York
 _____, 2008

SO ORDERED:

United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
Louis Diaz, Gregory Korniloff and : Civil Action No. 08-CV-00401 (CM)
Jack Toal, on behalf of themselves :
and as representatives of the Class,
Plaintiffs, :
Electronically Filed
v.
NBC Universal, Inc. :
Defendant. x

CERTIFICATE OF SERVICE

I, MEGAN DUFFY, associated with Davis Wright Tremaine LLP, attorneys for
Defendant, NBC Universal, Inc. certify:

I am over eighteen (18) years of age. On this 6th day of February, 2008, I caused to be
served copies of NOTICE OF MOTION OF NBC UNIVERSAL, INC. FOR THE ADMISSION
OF KELLI L. SAGER AND ANDREW J. THOMAS *PRO HAC VICE*, AFFIRMATION OF
DEBORAH A. ADLER IN SUPPORT OF NBC UNIVERSAL, INC.'S MOTION FOR
ADMISSION OF KELLI L. SAGER AND ANDREW J. THOMAS *PRO HAC VICE*,
AFFIDAVIT OF ANDREW J. THOMAS IN SUPPORT OF NBC UNIVERSAL, INC.'S
MOTION TO ADMIT COUNSEL *PRO HAC VICE* and AFFIDAVIT OF KELLI L. SAGER IN
SUPPORT OF NBC UNIVERSAL, INC.'S MOTION TO ADMIT COUNSEL *PRO HAC VICE*
on the following individuals in the manner indicated below:

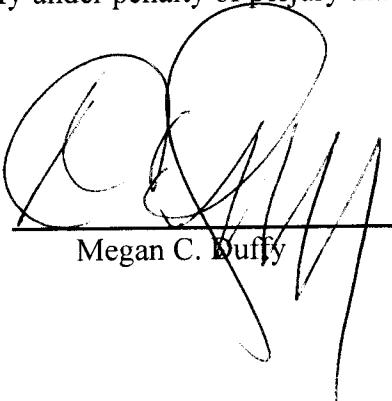
BY Email and U.S. Mail:

Dominic F. Amorosa
521 Fifth Avenue, Suite 3300
New York, New York 10175-3399
lawoffices@dfamorosa.com
(212) 406-7000

Carey & Associates LLC
521 Fifth Avenue, Suite 3300
New York, New York 10175-3399
mqc@CareyLitigation.com
(212) 758-0076

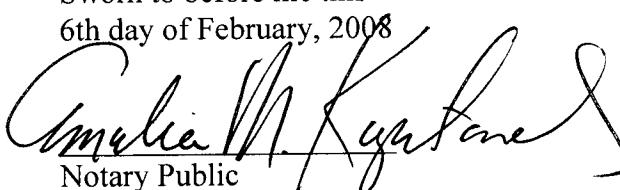
Attorneys for Plaintiffs

Pursuant to 28 U.S.C. § 1746, I certify under penalty of perjury that the foregoing is true and correct.



Megan C. Duffy

Sworn to before me this
6th day of February, 2008



Amalia M. Kapitanelis
Notary Public

AMALIA M. KAPITANELIS
Notary Public, State of New York
No. 01KA4621757
Qualified in New York County
Term Expires September 7, 2010

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
Louis Diaz, Gregory Korniloff and : Civil Action No. 08-CV-00401 (CM)
Jack Toal, on behalf of themselves :
and as representatives of the Class, :
Plaintiffs, : *Electronically Filed*
v. :
NBC Universal, Inc. :
Defendant. x

CERTIFICATE OF SERVICE

I, MEGAN DUFFY, associated with Davis Wright Tremaine LLP, attorneys for Defendant, NBC Universal, Inc. certify:

I am over eighteen (18) years of age. On this 6th day of February, 2008, I caused to be served copies of NOTICE OF MOTION OF NBC UNIVERSAL, INC. FOR THE ADMISSION OF KELLI L. SAGER AND ANDREW J. THOMAS *PRO HAC VICE*, AFFIRMATION OF DEBORAH A. ADLER IN SUPPORT OF NBC UNIVERSAL, INC.'S MOTION FOR ADMISSION OF KELLI L. SAGER AND ANDREW J. THOMAS *PRO HAC VICE*, AFFIDAVIT OF ANDREW J. THOMAS IN SUPPORT OF NBC UNIVERSAL, INC.'S MOTION TO ADMIT COUNSEL *PRO HAC VICE* and AFFIDAVIT OF KELLI L. SAGER IN SUPPORT OF NBC UNIVERSAL, INC.'S MOTION TO ADMIT COUNSEL *PRO HAC VICE* on the following individuals in the manner indicated below:

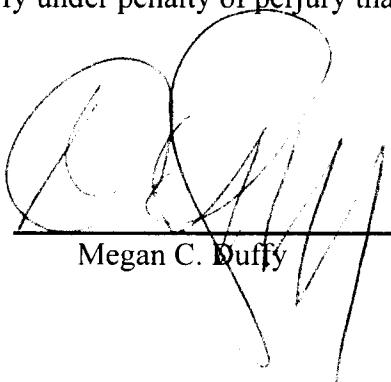
BY Email and U.S. Mail:

Dominic F. Amorosa
521 Fifth Avenue, Suite 3300
New York, New York 10175-3399
lawoffices@dfamorosa.com
(212) 406-7000

Carey & Associates LLC
521 Fifth Avenue, Suite 3300
New York, New York 10175-3399
mqc@CareyLitigation.com
(212) 758-0076

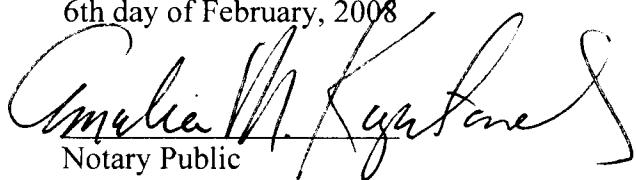
Attorneys for Plaintiffs

Pursuant to 28 U.S.C. § 1746, I certify under penalty of perjury that the foregoing is true and correct.



Megan C. Duffy

Sworn to before me this
6th day of February, 2008



Amalia M. Kapitanelis
Notary Public

AMALIA M. KAPITANELIS
Notary Public, State of New York
No. 01KA4621757
Qualified in New York County
Term Expires September 7, 2010